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UNITED STATES GOVERNMENT

Memorandum

O : Quin Shea
Director
Office of Information and Privacy Appeals

DATE: June 2, 1977

ROM : Peter F. Flaherty
Deputy Attorney General

Pete Flaherty

JBJECT: FOIA Appeals

The protections of 5 U.S.C. 552(b)(7)(A) -- intended to preclude interference with law enforcement activities -- should not be used to conceal unlawful activities, regardless of the intent with which those activities were conducted. Similarly, just as this Department will not obtain information directly by means of unlawful activities, we will not shield with 5 U.S.C. 552(b)(7)(D) information which was initially obtained through the use of such means by other persons or law enforcement organizations. Neither the use nor methodology of unlawful investigative techniques or procedures is to be protected by reliance on 5 U.S.C. 552(b)(7)(E).

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